

**Washington County Land Use Authority Meeting
January 08, 2013**

The Washington County Land Use Authority Meeting was held Tuesday, January 08, 2013 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened at 1:30 p.m. by Chairman Doug Wilson.

Commissioners present: JoAnn Balen, Julie Cropper, Deborah Christopher, Mike Stucki, Kim Ford, and Rick Jones.

Excused: Dave Everett.

Staff present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Eric Clark, Deputy Attorney; Ron Whitehead, Public Works Director; Denny Drake, County Commissioner; Kim Hafen, County Clerk; and Doreen Bowers-Irons, Planning Secretary.

Chairman Wilson welcomed and thanked everyone for attending. He led the Pledge of Allegiance, after which, he explained meeting protocol.

I. STAFF COMMENTS. Review staff comments for each agenda item listed; Staff initiated.

II. CONDITIONAL USE PERMIT EXTENSION. Review permit extension for the “IRONMAN” St. George Triathlon to take place in Washington County on May 4, 2013; Jeff Gardner, applicant.

The Planner stated after two years, the IRONMAN event has been changed to “IRONMAN 70.3 ST. GEORGE”, a half triathlon event. The only unincorporated area affected will be on the bike course, which runs through Snow Canyon State Park and down Hwy 18, which is County, but UDOT jurisdiction. Road closures will be addressed by the State Park Service and UDOT. The County Sheriff’s Office previously stated they would provide services for the event and had discussed a safety plan. A certificate of insurance should be submitted showing the County as beneficiary. Aid stations and sanitation facilities were adequate at the previous event. The applicant will answer any questions the Commission might have.

Jeff Gardner, Race Director of St. George addressed the commission. He explained the changes to the course that will take place in Washington County. He stated Mr. Lewis from the Washington County Tourism Office will provide the commission with information regarding the race.

Kevin Lewis, Washington County Tourism Office stated the date of the “IRONMAN” race does not work for the athletes who participate in this type of race. They do not have enough time to prepare. Therefore, due to declining enrollment some changes were necessary in order to continue with the event. He reported on the numbers of applicants over the last couple of years. The owners of the IRONMAN brand and the promoters thought maybe doing the “IRONMAN 70.3” Event would allow more participants to do the smaller race. There are more athletes throughout the world who can and do this shorter race as opposed to the full distance race. It is one of the fastest growing events for a triathlon. This race will be the U.S. Pro Championship event. There are five of these Championship races in the world, which he named and includes the St. George event. This event will attract World Championship athletes. The registration so far is at 2,300 participants. The course has been altered slightly. This race also has a relay element to it, which allows teams to compete. The race is capped at 2,500.

Commissioner Christopher asked if the event would be continued into the future.

Mr. Lewis answered they have a two year agreement in place and by January 2014 the decision would be made if the event will move forward.

Mr. Gardner asked if there were any questions. There were none and Chairman Wilson called for a motion.

Motion: Commissioner Christopher MOVED to approve for one year the Conditional Use Permit Extension for the "IRONMAN 70.3 ST. GEORGE" Triathlon to take place in Washington County on May 4, 2013; Jeff Gardner, applicant. Commissioner Cropper SECONDED. The motion carried with all six (6) Commissioners voting in favor.

Chairman Wilson asked for clarification on the administrative approvals process. The planner and attorney provided the clarification.

III. CONDITIONAL USE PERMIT EXTENSION. Review the permit extension for the Utah Summer Games Triathlon to be held on June 6-30, 2013. The event will begin at Gunlock Reservoir and end at the Snow Canyon High School, traveling on County Road Old Highway 91; Jeff Gardner, applicant.

Jeff Gardner informed the Commission that this event is on hold and may not be held this year. They may come back next month for approval if the organizers decide to hold the event. If it does take place, it most likely will be overseen by someone from St. George City. He asked that the item be tabled until next month at which time they should know if it will be held or not.

Motion: Commissioner Balen MOVED to table approval of the Conditional Use Permit extension request for the Utah Summer Games Triathlon to be held on June 6-30, 2013. The event will begin at Gunlock Reservoir and end at the Snow Canyon High School, traveling on County Road Old Highway 91; Jeff Gardner, applicant, until the next meeting. Commissioner Christopher SECONDED. The motion carried with all six (6) Commissioners voting in favor.

IV. CONDITIONAL USE PERMIT EXTENSION. Review the permit extension to operate an Ag. Business on the J & J Guest Ranch for a petting zoo, fishing pond, group parties, and weddings on 58 acres within the A-20 zone near New Harmony; Kendall Prisbrey, applicant.

The planner stated this is an automatic annual review for Kendall Prisbrey on an Ag Business, with petting zoo, fishing, parties, games and weddings. Portable toilets will be used when there is an activity on the premises. Those responsible for the function will supply water. Events will be catered by licensed food handlers. Staff suggested there should be handicapped parking available and a design plan more specific. Everything will be done to create an experience of being in an agricultural area out on the farm.

The applicant was not in attendance and the planner suggested the item be tabled.

Motion: Commissioner Ford MOVED to table approval of the Conditional Use Permit Extension to operate an Ag Business on the J & J Guest Ranch for a petting zoo, fishing pond, group parties, weddings, and those types of uses on 58 acres within the A-20 zone near New Harmony, until the applicant was in attendance. Commissioner Balen SECONDED. The motion carried with all six (6) Commissioners voting in favor.

V. CONDITIONAL USE PERMIT. Request permission for a cemetery plot to be located on a lot within the PD zone, Staples Planned Development generally located north of Virgin; Mike Staples, applicant.

The planner reported this has been ongoing for several years. The commission previously determined that cemeteries should be included as conditional uses within the PD zone and that particular zone was amended to include this use conditionally. Staff suggested that it is the local residents that utilize cemeteries, so the use should be made available in unincorporated areas if there is a designated person or group for management of the cemetery. An amended plat was approved by the County Commission over a year ago and recorded most recently. Findings will need to be made on this item. The applicant has already used one plot for his wife who passed away in 2009. There would be enough area to layout up to 30 plots on one residential lot and the remainder of the parcel would be used to construct a garage/workshop. There should be no problem in approving this request. She provided the site plan and photos for the commission to review.

Mike Staples stated the cemetery was for family burials.

Mike Stucki stated he thought this was done years ago. The planner reported the item had been before the commission years ago but the final plat has never been approved due to the ordinance process and platting for the cemetery.

A short discussion regarding the process and time frame occurred.

Commissioner Ford stated his concern was the Cottonwood tree and the issues those types of trees can create. Mr. Staples informed Commissioner Ford that the tree was pruned and maintained. He understood that at some point the tree would most likely need to come out. At that point, the tree will be removed without any harm to the potential burial plots

The commission discussed the findings of fact submitted by the applicant and deemed them to be sufficient and appropriate which are as follows:

- The use complies with all applicable provisions of Washington County Ordinance, State and Federal law.
- The use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity.
- The use is consistent with the characteristics and purposes stated in the general plan.
- The use is consistent with the characteristics and purposes stated for the zone.
- Traffic safety conditions are not adversely affected.
- Utilities not required for use.
- Emergency access is not required.
- Parking is adequate on subdivision road.
- Property is currently fenced, landscaped and maintained by the family.
- Exterior lights are not required.
- Signage is not required.
- The plat has been recorded.

Motion: Commissioner Stucki **MOVED** to approve the Conditional Use Permit for a cemetery plot to be located on a lot within the PD zone, Staples Planned Development generally located north of Virgin; Mike Staples, applicant, for one year with the following conditions and findings of fact:

- **The use complies with all applicable provisions of Washington County Ordinance, State and Federal law.**
- **The use is not detrimental to the public health, safety, and welfare of persons residing or working in the vicinity.**
- **The use is consistent with the characteristics and purposes stated in the general plan.**
- **The use is consistent with the characteristics and purposes stated for the zone.**
- **Traffic safety conditions are not adversely affected.**
- **Utilities not required for use.**
- **Emergency access is not required.**
- **Parking is adequate on subdivision road.**
- **Property is currently fenced, landscaped and maintained by the family.**
- **Exterior lights are not required.**
- **Signage is not required.**
- **The plat has been recorded.**

Commissioner Cropper SECONDED. The motion carried with all six (6) Commissioners voting in favor.

VI. PUBLIC HEARING. Open hearing for a plat amendment approval for Lonnie Truman Subdivision Amended, generally located along Sage Rd. in Pine Valley; Lonnie and Delmont Truman, applicant.

The planner advised the commission that they will need to open the meeting for a public hearing as referenced by State Code, whereas, notice of hearing to consider approval of a subdivision plat amendment was sent to the property owners in this subdivision and within a proximity to the property as defined by local ordinance ten days before the hearing (17-27a-207(1)). *This item is in conjunction with Item 6 below.*

Motion: Commissioner Ford MOVED to open the public hearing for a plat amendment approval for Lonnie Truman Subdivision Amended, generally located along Sage Rd. in Pine Valley. County initiated. Commissioner Balen SECONDED. The motion passed with all (6) voting in favor and the floor was open to the Public Hearing.

There were no public comments on this item.

Motion: Commissioner Balen MOVED to close the public hearing for a plat amendment approval for Lonnie Truman Subdivision Amended, generally located along Sage Rd. in Pine Valley. County initiated. Commissioner Ford SECONDED. The motion passed with all (6) voting in favor and the floor was closed to the Public Hearing

VII. PLAT AMENDMENT. Consider plat amendment for Lonnie Truman Subdivision Amended, to add a cul-de-sac to access two (2) new lots, one (1) flag lot and revise Lot 1, Section 15, T39S, R15W, SLB&M, generally located along Sage Rd. in Pine Valley; Lonnie and Delmont Truman, applicants/Shawn with Rosenberg Associates, agent.

The planner stated the applicant has submitted an amended plat and public notice was given that the Washington County Land Use Authority will hold a hearing on a subdivision plat, Lonnie Truman Subdivision Amended, to create two lots fronting on a cul-de-sac, with an existing parcel, and one (1) flag lot and to revise Lot 1. There have been changes to easements and drainage and a sliver of land on the northwest side of the development has been deeded to an adjacent parcel. The rest of the subdivision

is to remain the same as shown on the original recorded plat. All will service letters on power, phone, and water plus a letter of septic feasibility from the Southwest Utah Public Health Department will remain the same, whereas, the number of homes allotted will be the same as originally planned for.

Todd Edwards, County Engineer stated staff has looked at this plat extensively. The planning commission approved the plat with a flag lot; however, the county commission rejected that and felt the plat could be subdivided conventionally with a cul-de-sac. The construction drawings show curb, gutter and sidewalk. He explained the changes to the plat. He noted there are a couple of things that need to be addressed before the final plat is approved which, should not stop the project from moving forward. A drainage study has been provided. Mr. Edwards indicated this plat satisfies and meets the county standards and should be approved.

Commissioner Ford asked about the test holes on lots 3 and 4 and if those areas would be where the septic systems would be placed. He was concerned the systems may be too close together.

Mr. Edwards stated it does not matter where the tests are done. They can be done anywhere on the lot and where those holes are located does not mean that is where the septic system will be placed.

Commissioner Stucki asked about the overhead power and wondered why it was not going to be underground.

Mr. Edwards answered the easements have not been worked out with Dixie Escalante. The applicant is still working out that issue. He spoke about the easements on the amended plat noting that they would need to be revised as the county no longer requires easements on the rear and side yards.

The planner stated this could be approved as an administrative action and any appeals would go to the County Commission.

Mr. Clark informed the commission that if applicants apply for a variance, it would go before the planning commission. A discussion regarding variances occurred.

Chairman Wilson asked about septic approval. The planner stated the water district has issued letters of approval and the health department will approve the septic.

Lonnie Truman addressed the commission and asked if there were any questions. There were none and Mr. Truman stated they were ready to move forward.

The commission discussed and made the following findings of facts and conditions:

- Complies with the County Subdivision Ordinance and the zone.
- The power design will be submitted.

Motion: Commissioner Christopher MOVED to grant approval for a plat amendment Lonnie Truman Subdivision Amended, to add a cul-de-sac to access two (2) new lots, one (1) flag lot and revise Lot 1, Section 15, T39S, R15W, SLB&M, generally located along Sage Rd. in Pine Valley; Lonnie and Delmont Truman, applicants/Shawn with Rosenberg Associates, agent with the following findings of facts and conditions:

- Complies with the County Subdivision Ordinance and zone.

Condition:

- The power design to be submitted to the County before the plat is recorded.

Commissioner Ford SECONDED. The motion passed with all (6) voting in favor.

VIII. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on December 31, 2012; County initiated.

The Planner reported on the Staff meeting held December 31, 2012 as below.

ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING
December 31, 2012

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District; Robert Beers, Southwest Utah Public Health Department; and Tina Esplin, Washington County Water Conservancy District.

Excused: Ron Whitehead, Public Works; Director Paul Wright, Department of Environmental Quality; Becky Marchal, Questar Preconstruction Specialist; and Eric Clarke, Deputy Civil Attorney.

There was nothing to review for staff level approval.

Staff reviewed three (3) Conditional Use Extension items to be reviewed by the Planning Commission on their regular agenda. One (1) Conditional Use Permit for a cemetery in the Staples Planned Development and a public hearing was advertised for the Lonnie Truman Subdivision Plat Amendment.

IX. MINUTES. Consider approval of the minutes of the regular Planning Commission meeting held December 11, 2012.

Motion: Commissioner Christopher MOVED to adopt the Minutes of December 11, 2012 as written. Commission Balen SECONDED. The motion carried with all six (6) Commissioners voting in favor.

X. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items December 18, 2012; County initiated.

The planner stated action was taken on Planning Items by the Washington County Commission on December 18, 2012, beginning at 4:00 p.m.: (a) Review Permit extension to locate four (4) wind towers on State Land within the OSC-20 zone near Anderson Junction; Jerry Eves/Southwest Wind Energy, applicant. (b) Conditional Use Extension for the "Zion's 50 and 100 Ultra Marathon" within the County Unincorporated areas from Virgin on SR-9 to Gooseberry, looping around from Virgin to Kolob Terrace Road through Smith's Mesa and ending at Virgin, a 100 mile run (36 hours) Friday, April 19, 2013; Matt Gunn, applicant. (c) Conditional Use Extension for Rocky Mountain Power to install a proposed 60' lattice tower within the OSC-20 zone, BLM land on Little Creek Mountain, located west of Apple Valley, adjacent to other cell tower locations; EC Source/David Simundson and Rocky Mountain Power/Mark Cox, applicants. (d) Conditional Use Extension for installation of the 345 kV Transmission Project route through Washington County to Red Butte No. 2 and a staging area at the turnoff on Hwy. 18 and Pinto; EC Source/David Simundson and Lloyd Graff/owner, applicants. (e) Conditional Use Extension for a "Redrock Half Relay", March 9, 2013, beginning at Worthen Park in St. George, form Sunset Blvd. to Hwy. 91 through Gunlock to Veyo along SR-18 and back to Worthen Park; Tim Collings, applicant. (f) Conditional Use Permit to construct a compressor station in Central, where Questar Gas is tied into the Kern River Pipeline System, within the OST-20 zone; Questar Gas, applicant/Tim Blackham, agent. (g) Amendment to the Washington County Subdivision Ordinance,

Title 11, Chapter 4, 2:A. Description And Delineation: The final plat shall show: 9. Required utility and drainage easements along front property lines shall be a minimum of ten feet (10') and as needed; County initiated. (h) Amendment to the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 4, Definitions 1: Terms defined: Kenneling and Cattery; County initiated; and (i) Amendment to Title 10, Chapter 2 and 18 regarding Land Use Authority and Procedures on Appeals and Conditional Use Permits; County initiated/ Deputy Attorney Eric Clarke

XI. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

County Commissioner Denny Drake thanked Deon Goheen for all of her years of dedicated service. She is appreciated and has been a great asset.

Ron Whitehead, Public Works Director stated there were over 50 applicants for this position. He has asked Deon to stay but won't change her mind. She has a lot of knowledge and she will be missed. He thanked her for all that she has done and appreciates all of her hard work. He wished her luck in her new adventures. An open house will be held on Thursday, January 10, 2013 from 2:00 to 4:00 pm. We hope to have a new person before the next meeting.

The commission discussed Deon's retirement.

Commissioner Christopher presented Ms. Goheen with a card and a gift. She expressed how much the commissioners have loved and appreciated her through the years. She will be missed.

Commissioner Cropper stated Ms. Goheen was a mentor to her and thanked all of her help through the years.

Deon Goheen thanked everyone and stated they have been a joy to work with. She expressed how much she will miss and remember everybody.

Commissioner Balen moved to adjourn the meeting at 2:30 p.m.

Doreen Bowers-Irons, Planning Secretary
Approved: 12 February 2013